

## ETHICS COMMITTEE

DATE: April 16, 2009

CALLED TO ORDER: 5:35 p.m.

ADJOURNED: 6:13 p.m.

## ATTENDANCE

### Attending Members

Ginny Cain, Chairwoman  
Robert Lutz  
Brian Mahern  
Mary Moriarty Adams

### Absent Members

José Evans  
Kent Smith

## AGENDA

Continuation on goals and objectives of the Ethics Committee, with specific discussion on the Economic Interest Statement

## ETHICS COMMITTEE

The Ethics Committee of the City-County Council met on Thursday, April 16, 2009. Chairwoman Ginny Cain called the meeting to order at 5:35 p.m. with the following members present: Robert Lutz, Brian Mahern, and Mary Moriarty Adams. Absent were José Evans and Kent Smith. Representing Council staff was Robert Elrod, General Counsel.

Chairwoman Cain said the Committee will continue its discussion about the Economic Interest Statement for City-County Councillors and their staff and the different ethical guidelines that the Council is creating. She added that the Council is not included in the city and county Ethics ordinance, but they are still covered under the ethical guidelines. She said the Committee is charged with creating a set of measures for the Council to be geared more toward part-time Councillors and specifically speak to some situations that may arise that are unique to Councillors in comparison to other city and county employees. Chairwoman Cain asked Mr. Elrod to give an overview of the updated draft of the ethical standards proposal (attached as Exhibit A).

Mr. Elrod said the word “or” should be changed to “of” at the end of the sentence in Sec. 1, and it should read “Division 2 of Article XI” (as shown on Exhibit A). He said he believes that Sec. 151-1121(a) should be changed from Councillors acting on their own “personal interest” to “private interest”, because it better defines what the Committee is dealing with. He added that the word “with” should be added to Sec. 151-1121(c) as shown in Exhibit A, so that the sentence reads more correctly.

Mr. Elrod said there is a comma missing in Sec. 151-1122(b)(1) at the end of the sentence after the word “constituents”, and the word “the” should be added before the word “public” on that same line. He said he also thinks that subsection (2) would read more clearly if the word “either” is added after the word “by” and the word “any” is added after the word “causing” in the first line. He said all the dollar amounts were also changed from \$1,000 to \$5,000 in this draft.

Mr. Elrod said after reading Sec. 151-1123, he suggests that the two sentences be re-written and changed as shown on Exhibit A. Chairwoman Cain asked if calling this form a conflicts disclosure statement is a better term than Economic Interest Statement. Mr. Elrod answered that he was trying to keep it different from the statement that everyone else in the city and county have to file. Councillor Lutz asked if the intent is to have this disclosure statement apply to a certain time period. For example, the city’s statement that is due by May 1 applies to 2008, but the one for the Council will be a little different because the Council is under an obligation to modify the statement within 45 days. Mr. Elrod said the dates are in the draft for the gifts, but the employer and business names and addresses are required to be updated, so it is more ongoing. Councillor Lutz asked if this statement is asking for more detail than the city’s statement. Mr. Elrod answered in the affirmative, and stated that there is an obligation to update within 45 days of change of information.

Councillor Mahern asked if Sec. 151-1123 has always been titled as Conflicts Disclosure. Mr. Elrod answered in the affirmative. Councillor Mahern said he believes it should simply be disclosure, as that is the idea and he is not sure if there is necessarily a conflict implied. He said some of the items are simply employers that may have no business before the City and may not affect any business that comes before the Council. He said he feels that naming it a conflicts disclosure implies a conflict where there may not be one. Mr. Elrod said he does not see a

problem with taking out the word “conflicts.” He said he understands the desire to differentiate the Council’s statement form from the city and county’s statement form. Chairwoman Cain suggested that it be called the Economic Interest Disclosure. Mr. Elrod said that is what the City’s statement is called and he wanted to distinguish between the two statements. Councillor Moriarty Adams suggested the Ethical Disclosure Statement. Councillor Mahern said he really does not understand the need to differentiate the forms, as there is surely an economic statement that is filed by county, city, state and possibly even federal personnel. He asked why it needs to be differentiated. Chairwoman Cain answered that it would possibly be confusing, because the Code speaks of the Economic Interest Statement for city and county employees. Councillor Mahern asked if it could just be called the Councillor’s Economic Interest Disclosure. Councillor Lutz answered that the form also applies to the Clerk of the Council and certain Council employees. Chairwoman Cain asked Councillor Mahern if he does not like the term Ethical Disclosure. Councillor Mahern answered that he feels that the information is all economic in nature. He said he would prefer to simply add Council in front of the already-used term, as it is consistent with the city and county form and it would seem to remove confusion, while also acknowledging that it is the same form that is used by the city and county. Councillor Lutz said that his concern with that is that when the form is being referenced, there will likely not be clarity between the two, as the word “Council” will likely be dropped in everyday conversation. He said that he feels that it should be differentiated for the sake of clarity. Chairwoman Cain said she believes it should be called the Ethical Disclosure Statement. The Committee agreed.

Mr. Elrod said there are additional grammatical corrections that should be made to the draft (as shown on pages four and five of Exhibit A). He said that Section 151-1124 has been added, and he suggested that the Clerk and any employee that has the authority to contract should be required to complete the form.

Mr. Elrod said that page eight reflects the changes that he has made to the City Ethics Code that has already been passed by the Council. Councillor Lutz asked if Sec. 293-321(1) should be removed because a candidate for City-County Council should also be required to file the same statement that Councillors file. Mr. Elrod answered that it could be deleted, except it may require the Council to review those forms for candidates. Councillor Moriarty Adams said that she does not understand why a candidate has to file the form, as they are not elected. Mr. Elrod said that the Council put that requirement in the recently-passed ordinance. Councillor Mahern said that the idea is that the standard and the form, in all aspects, should apply to candidates as well. Mr. Elrod said the language in Sec. 293-322 has a provision for filing if a person becomes a candidate after the May 1 deadline. He said if the Committee wants the candidates for Council to file the same statement that already-elected Councillors file, he can strike the language in Sec. 293-321(1) and add language similar to the language in Sec. 293-322. The Committee agreed.

Chairwoman Cain asked what the Committee needs to do to move forward. Mr. Elrod said that the Committee can request that an ordinance be introduced with all Committee members as sponsors, and it can be introduced at the first Council meeting in May. Councillor Mahern said that he would like for the Committee to look at the changes again before it is introduced, so that everyone is in agreement. Chairwoman Cain asked if the proposal would then come back to the Committee. Mr. Elrod answered in the affirmative, and stated that it will also allow for additional public testimony.

Councillor Moriarty Adams asked if all of the previous concerns with disclosure have been resolved. Mr. Elrod answered that the language on page four, at the end of paragraph four of Exhibit A reflects the changes made to address those concerns. Councillor Mahern said that there will be a reporting requirement for individual Councillors who are involved with businesses that do a certain amount of business specifically with the City.

Chair Cain said this is the first part of what the Committee is doing, then they will come back to address how to handle particular situations if they occur. Mr. Elrod said if the ordinance passes as the Committee has drafted it, then the Committee will look at rules and procedures about how complaints are filed and how to address the complaints. He said if the language is acceptable to the Committee, he will try to put together a draft of the Ethical Disclosure Statement before the Committee has a hearing on the proposal. Chairwoman Cain asked Mr. Elrod to draft an ordinance for introduction at the May 4, 2009 full Council meeting. Councillor Moriarty Adams asked when the next Ethics Committee meeting is. The Clerk answered that it is May 21, 2009. Mr. Elrod said that the Committee needs to meet before May 18, 2009, so that the ordinance can be passed at the May 18, 2009 full Council meeting. Chairwoman Cain asked the clerk of the Committee to schedule an Ethics Committee meeting on May 7<sup>th</sup> at 5:30 p.m.

With no further business pending, and upon motion duly made, the Ethics Committee of the City-County Council was adjourned at 6:13 p.m.

Respectfully submitted,

Ginny Cain, Chairwoman  
Ethics Committee

GC/nsm

**DRAFT OF ETHICAL STANDARDS PROPOSAL**  
**April 14, 2009 (9:14am)**

**A PROPOSAL FOR A GENERAL ORDINANCE adopting ethical standards for conduct by councillors, amending the council rules on conflicts of interest and voting, and amending the Chapter 293 to conform to the changes.**

BE IT ORDAINED ETC

SECTION 1. The Revised Code of the Consolidated City and County be, and is hereby amended by adoption a new Division 2 of Article XI of chapter 151, to read as follows:

**DIVISION 2. STANDARDS OF ETHICAL CONDUCT FOR COUNCILLORS**

Sec. 151-1121. General Ethical Considerations. Ethical standards for members of the City-County Council are essential to maintaining public trust in the handling of public affairs of the city and county. The purpose of this Article is to set forth those acts and actions that are incompatible with the best interests of the city and county by directing disclosure by councillors of private financial or other interests in matters affecting the city or county. By requiring disclosure of conflicts of interest and providing a guide for ethical conduct, the council can promote the faith and confidence of its citizens in its government.

- (a) Duty to act in public interest. It is the duty of all councillors to act at all times in the best interest of the public and to avoid any appearance of acting in their own ~~personal~~ <sup>private</sup> interest.
- (b) Acknowledgment of part time councillors. It is recognized that service as a

member of the city-county council is a part-time endeavor and that members of the city-county council are active in the community and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their council compensation. It is further recognized that state law permits employees of the city and county to be elected as, and serve as, councillors, even though the council must adopt budgets that includes appropriations to pay their salaries as employees of the city or county.

(c) Duty to disclose employment and material business interests. It is the duty of each councillor to disclose his or her employments and positions of control or ownership interests in businesses or civic organizations that have business relationships, contracts <sup>with</sup> with, or are funded by, the city or county.

#### Sec. 151-1122. Conflicts of Interest.

(a) Voting. This section establishes standards for determining when a councillor is disqualified from acting or may be permitted to abstain from acting in conflict of interest situations.

(b) Actual conflicts of interest. A councillor has an actual conflict of interest whenever the outcome of a vote on a matter before the council would either:

- (1) confer a direct material pecuniary benefit with a value in excess of \$5,000.00 which would be received (i) by the councillor, the councillor's spouse or dependent children or (ii) by any business in which the councillor, the councillor's spouse or dependent children have an interest that is required to be disclosed under Sec. 151-1123, which benefit would be materially different from the general benefits conferred on public or the councillor's constituents <sup>either</sup> ~~or~~ <sup>causing - and</sup>
- (2) affect a private personal interest by conferring any preference or causing - and detriment to the councillor, his business, or family which would be different from that which would apply to the public or the councillor's constituents generally.

A councillor, who is also an employee of the city or county or other agency whose budget is subject to approval by the city-county council, shall not be deemed to have an actual conflict of interest with respect to votes on budgets or revenue proposals, unless the proposal pertains primarily to such employee or the employee's supervisor.

(c) Disclosure of conflicts.. As soon as it becomes apparent that a councillor has an actual conflict of interest with respect to a matter before the council, the councillor shall immediately disclose the conflict.

(d) Disqualification from voting. A councillor with an actual conflict of interest shall be disqualified from voting on the matter.

(e) Appearance of a Conflict of Interest, Voluntary abstention. Whenever a personal relationship, business interest, or civic involvement of a councillor (other than those relationships inherent in the political process and in advocating constituent concerns) is such that it might appear to limit the councillor's objectivity on the merits of the councillor's vote, the councillor may request to abstain from voting on such matter. The abstention shall be allowed by the council, unless the abstention prevents the council from deciding the matter, in which circumstances the council by a majority vote of those voting may require the councillor to vote. A vote under such circumstances shall not be grounds for ethical complaints against such councillor. The appearance of a conflict of interest shall not disqualify a councillor from debate on the matter if the nature of the perceived conflict of interest is disclosed as soon as it becomes apparent to the councillor.

Sec. 151-1123. Conflicts Disclosure. All councillors shall file with the clerk of the council a conflicts disclosure statement ~~which includes the following information: Such disclosure shall be filed on or before July 1, 2009, and thereafter annually, on or before February 1, or within 30 days of taking office, Such statement shall include~~ the following information:

1. The name, residence <sup>addresses</sup> and business addresses of the councillor.
2. The name<sup>s</sup> and address<sup>es</sup> of all employers from whom the councillor received compensation in excess of \$5,000 during the prior calendar year and, if self-employed, the nature of the business or businesses conducted as self-employment<sup>s</sup> and the names, if any, under which the business or businesses are conducted.
3. The name and addresses of all employers from whom the councillor's spouse or dependant children received compensation in excess of \$5,000 during the prior calendar year.
4. The name and address of any business entity, doing business with the city or county, or which solicits<sup>business</sup> business with the city or county, in which the councillor or the councillor's spouse or dependent children
  - (i) ~~are~~ an officer, or
  - (ii) owns an equity interest or interest in the earnings and profits of such business that, individually or in the aggregate, exceeds 10%, or
  - (iii) directly or indirectly received compensation in excess of \$5,000, in aggregate from any one such entity, in the past calendar year.
5. The name and address of any organization which receives or applies for funding from the city or county for which the councillor, councillor's spouse or dependent children serve as an officer or board member.
6. A list of those donors from which the councillor received gifts of any item valued over \$100, or in aggregate ~~of~~ over \$250, in the prior calendar year from a person or firm that does, or seeks to do, business with the city or county or seeks to influence council action. Campaign donors<sup>of \$250</sup>, subject to IC 3-9-2 and reported in accordance with law, and gifts from persons, including family members, with whom the councillor has an on going social relationship not related to service on the council are not subject to



reporting under this provision.

7. Any items reported under ~~1-5~~ <sup>changes</sup> of this section shall be updated within 45 days of the change of such information.

The clerk of the council, with assistance of the general counsel, shall prescribe a form for these disclosures. Such statement shall be verified under penalties for perjury. The clerk shall report any failures to file such ~~disclosure~~ <sup>change</sup> statement to the Ethics Committee of the council for such action as that committee may deem appropriate.

Sec. 151-1124. Clerk and council staff. The Clerk of the Council and other employees or staff of the council shall file such disclosures, if any, as the President of the Council shall require.

Sec. 151-1125 - Specific conduct ~~ed~~ prohibited.

(a) Political activity, patronage. Councillors shall not require any council employees to engage in political activity or contribute to political campaigns.

(b) Use of council property. Councillors shall not use council equipment or supplies for personal, political, or private business purposes.

(c) Travel to conferences. No councillor shall accept reimbursement for travel, meals or lodging expenses related to municipal conferences unless the councillor attends two hours or more of meetings or official function ~~per~~ half-day.

SECTION 2. Sec. 151-52 of the Revised Code of the Consolidated City and County be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text, to read as follows:

Sec. 151-52. Roll call votes.

(a) Recorded votes. All votes upon the final adoption of proposals for ordinances or general resolutions, motions to reconsider or motions to suspend the rules, shall be by roll call vote. If electronic or mechanical voting systems are installed for use by the council, the recording of the vote by such methods shall be the same as a vote by calling the roll and may be used for the roll call at the opening of a meeting and to determine a quorum. All ordinances or resolutions shall be adopted solely upon the affirmative vote of a majority of all members of the council. All members present shall vote on all roll call votes except where unless under Sec. 151-1121 a member is permitted to abstain or is disqualified.

~~(b) Abstentions.~~

~~(1) It is recognized that service as a member of the city-county council is a part-time endeavor and that members of the city-county council are individuals who are active in the community and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their council compensation.~~

~~(2) During the course of council duties, a councilor may be placed in a position where the councilor has a duty to vote on a proposal in which the councilor has a direct and indirect financial or personal interest. In making a decision pursuant to subsection (a) of this section as regards such councilor's duty to vote when present, the councilor shall consider the following:~~

- ~~a. Whether the councilor's interest in the legislation is so substantial as to affect the councilor's independence of judgment with respect to such legislation;~~
- ~~b. To what extent the councilor's interest in the legislation mirrors the interest of the citizenry to whom the councilor is directly responsible;~~
- ~~c. The effect of the councilor's participation in the voting on the legislation on public confidence in the integrity of the council;~~
- ~~d. The need of the councilor's particular contribution, such as special knowledge of the subject matter, to the effective functioning of a citizen legislative body;~~

~~e. Whether the proposal would have a unique, direct and material effect on the councillor's nonlegislative income, a member of the councillor's immediate family or those of a partnership, corporation or business in which the councillor holds a legal or equitable interest.~~

~~(3) Any councillor, who has a direct and material financial or personal interest in any matter pending before the council, which is so substantial as to affect the councillor's independent legislative judgment shall not be precluded from engaging in the committee or floor discussion and debate concerning such matter if such councillor shall publicly disclose such interest at the first meeting at which the matter is considered after such interest is apparent to the councillor or is suggested by some other person.~~

~~(4) Whenever, because of personal, business or financial relationships potentially affected by any matter pending before the council, a councillor believes that his participation in the matter might cause an appearance of impropriety even though there is not a disqualifying interest under subsection (b), such councillor shall disclose such relationship and may request to abstain from any votes on such matters. The presiding officer shall permit such abstention.~~

~~(cb) Challenges. Whenever the propriety of voting of a councillor on any matter is challenged by another councillor and such councillor refuses to abstain, a motion shall be in order to disqualify such councillor on the grounds provided in subsection (b). Such motion shall be decided by majority vote of those present. If the motion to disqualify carries, the vote of such member shall not be counted on the matter with respect to which the councillor was disqualified. Unless the propriety of a councillor's vote is challenged under this subsection prior to the call for the vote by the presiding officer, the right of the councillor to vote shall not thereafter be challenged.~~

SECTION 3. Sec. 293-101 and Sec. 293-102 of the Revised Code of the Consolidated City and County be, and is hereby, amended by deleting the stricken-thorough text and inserting the underlined text, to read as follows:

Sec. 293-101. Name and purpose.

- (a) This chapter shall be referred to as the ethics code of the consolidated city and county.
- (b) The purpose of this chapter is to set clear and high ethical standards for the official conduct of ~~councilors~~, officials, appointees, and employees of city and county government and persons who have a business relationship with city or county government so that the public will have confidence that the conduct of city and county business is always conducive to the public good.
- (c) Public confidence in the integrity of government is essential to the exercise of good government. Accordingly, those persons under the jurisdiction of the ethics commission should be committed to the following goals:
  - (1) Duties should be carried out impartially;
  - (2) Decisions and policy should not be made outside of proper channels of city and county government;
  - (3) Public office should not be used for private gain; and
  - (4) Actions, transactions, or involvements should not be performed or engaged in which have the potential to become a conflict of interest.
- (d) This chapter is not meant unduly to restrict or limit the behavior of the officials, appointees, or employees during the time when they are not on duty. Each councilor, official, appointee, or employee retains lawful rights and privileges as a private citizen to interests of a personal or private financial nature. These rights and privileges will be honored to the extent that they are compatible with an individual's elected office, appointed position, or employment.

Sec. 293-102. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Advisory body means an authority, board, commission, committee, task force, or other body designated by any name of the city or county government that is authorized to make only nonbinding recommendations.

Agency means an authority, board, branch, bureau, commission, committee, council other than the city-county council, department, division, office, service, or other instrumentality of city or county government that is established by statute, ordinance, executive order, or other law. The term agency includes the office of mayor and the county offices of the assessor, auditor, clerk, coroner, recorder, sheriff, surveyor, and treasurer. The term does not include any advisory body. The term does not include the city-county council or state offices with county jurisdiction, which are the office of county prosecutor and the judges of the circuit court or superior courts; however, all individuals excluded are invited to comply with this ethics code.

Appointee means a person, other than an official or employee, who is appointed to an agency, a municipal corporation, or a governmental entity in the county whose budget is subject to the review of the city-county council.

Assist or assistance means to help, aid, advise, or furnish information to a person, and includes an offer to assist.

Business relationship means dealings with an agency by a person who has:

- (1) A financial interest in a contract with, or purchase by, an agency; or
  - (2) A license or permit requiring the exercise of judgment or discretion by the agency.
- Candidate for elected office means a candidate for the office of mayor and the county offices of the assessor, auditor, clerk, coroner, recorder, sheriff, surveyor, or treasurer. Compensation means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

Councilor means a member of the city-county council.

Employee means an individual, other than a councillor, an official or appointee, who is employed by an agency (other than the city-county council) on a full-time, a part-time, a temporary, an intermittent, or an hourly basis, or via an employment contract.

Entertainment means the free admission or token of admission to a sporting contest, concert, theatrical production, convocation, parade, convention, festival, or other similar show or presentation that is intended for the divertissement of members of the public upon paid admission.

Ethics commission refers to the city-county ethics commission created under section 293-331.

Fair market value means the price that would be paid by a willing buyer to a willing seller in a good faith transaction in which objectively adequate consideration is provided.

Financial interest means an interest which will result in an ascertainable increase or decrease in the income or net worth of the ~~councilor~~ official, appointee, or employee or a member of that individual's immediate family, but does not include an interest.

(1) Of a councilor, official, appointee, or employee in the common stock of a corporation unless the combined holdings in the corporation of the councilor, official, appointee, or employee, that individual's spouse, and that individual's dependent are more than one (1) percent of the outstanding shares of the common stock of the corporation; or

(2) That is held as an asset in a blind trust.

Immediate family means an individual's spouse or dependent.

Information of a confidential nature means information obtained by reason of the position or office held, and which:

(1) A public agency is prohibited from disclosing under IC 5-14-3-4(a);

(2) A public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or

(3) Is not in a public record, but if it were, would be confidential.

Official means the mayor and the individuals who hold the county offices of the assessor, auditor, clerk, coroner, recorder, sheriff, surveyor, and treasurer.

Person means an individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental entity.

Political activity means taking action to support an individual in his or her campaign for elected office, or soliciting contributions for a political party or another candidate for any elected public office.

Property means money, real property, personal property, goods, supplies, services, deeds, trade secrets, contract rights, or other interests in or claims to wealth.

Relative means any person related as grandfather, grandmother, father, mother,

stepfather, stepmother, brother, sister, stepbrother, stepsister, uncle, aunt, husband, wife, son, daughter, stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandchild, stepgrandchild, niece, or nephew.

Represent means to attend an agency proceeding, write a letter, or communicate with an official, appointee, or employee of an agency on behalf of a person.

Sanctions means any of the following actions:

- (1) Canceling a contract, or barring a person from entering into a contract with an agency for a certain period of time;
- (2) Making restitution or disgorgement;
- (3) Removal from office, appointment, or employment;
- (4) Barring an individual from future employment or appointment with the city or county for a certain period of time;
- (5) Revocation or suspension of a license, registration, or permit issued by an agency or barring a person from obtaining such a license, registration, or permit for a certain period of time; or
- (6) Disciplinary action.

Travel expenses means the costs of transportation, lodging, and meals. The term includes actual travel expenses or an amount approximating those expenses that would be allowed by travel policies and procedures authorized by the city controller.

SECTION 4. Division 2 of Article III of Chapter 293 of the Revised Code of the Consolidated City and County be, and is hereby, amended by deleting the stricken- through text and inserting the underlined text, to read as follows:

#### DIVISION 2. ECONOMIC STATEMENT OF INTEREST

Sec. 293-321. Economic statement of interest required.

The following persons shall file a written economic statement of interest as provided in this division:

- (1) ~~Councillors and~~ Any declared candidate for city-county council;
- (2) Officials and any declared candidate for elected office;

- (3) Appointees to agencies;
- (4) The chief administrative officer of an agency and any employee who directly reports to the chief administrative officer of an agency;
- (5) Any employee whose employment is subject to the approval of the council; and
- (6) Any employee with final purchasing authority and all employees of the purchasing division of the office of finance and management.

Sec. 293-322. Same-when to file.

The economic statement of interest shall be filed with the office of corporation counsel, as follows:

- (1) Individuals listed in section 293-321 shall file the statement on or before May 1 of each year, but not earlier than April 1 of each year except as necessary to comply with subdivisions (2) through (4) of this section;
- (2) If an individual has not filed under subdivision (1) during the present calendar year and is filing as a candidate for elected office, the individual shall file the statement before, or at the same time as, filing a declaration of candidacy under IC 3-8-2, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5;
- (3) An individual listed in subdivisions (3) through (6) of section 293-321 shall file a statement prior to being appointed to or employed by an agency; and
- (4) An individual listed in subdivisions (4) through (6) of section 293-321 shall file a statement within sixty (60) days after leaving employment, unless a subsequent office, appointment, or employment requires the filing of a statement of economic interest.

Sec. 293-323. Same--Contents.

- (a) The office of corporation counsel shall devise an economic statement of interest form and make that form available from its website. That form shall not materially change between April 1 and May 1 of each year. ~~Councilors shall use the form devised by the office of corporation counsel unless the ethics committee established by section 151-25 adopts an alternative form.~~



- (b) The economic statement of interest be made under affirmation and set forth the following information for the period since the previous statement was filed:
  - (1) The name of the individual;
  - (2) The business address of the individual;
  - (3) Any position to which the individual is elected, appointed, or employed;
  - (4) The name of the employer of the individual and the nature of the employer's business;
  - (5) A statement of whether or not the individual, or any member of his or her immediate family, had a financial interest in any contract with an agency during the past twelve (12) months, other than a contract for employment and, if so, an explanation of the extent of the interest;
  - (6) The name of any business entity from which the individual received any compensation which, to the best of his or her knowledge, does or intends to do business with an agency during his or her term of office, appointment, or employment with an agency;
  - (7) The name of any business entity in which the individual, or any member of his or her immediate family, owns stocks, bonds, or other investments which constitute ownership of five (5) percent or more of that business or have a value in excess of five thousand dollars (\$5,000.00) and which business entity, to the best of his or her knowledge, is doing or intends to do business with an agency; and
  - (8) Additional information the individual chooses to disclose.
- (c) The economic statement of interest of ~~connectors~~ and officials also shall include an itemized list stating the amount and brief description of each item of entertainment, food, drink, honoraria, travel expenses, and registration fees accepted by the councilor or official from a person who has a business relationship with any agency; however, the following items need not be listed:
  - (1) Items with a face value of less than one hundred dollars (\$100.00); and
  - (2) Items that are exempted under subdivisions (2) through (11) of section 293-201(b).

~~Sec. 293-324. Same--Amendments.~~

An individual required to file a statement of economic interest shall file an amended economic statement of interest upon discovery of additional information required to be reported.

~~Sec. 293-325. Same--Review.~~

- (a) After an economic statement of interest is submitted, the office of corporation counsel shall examine the statement to ensure that it is complete, legible, and filed properly and in a timely manner.
- (b) If a statement is not complete, the office of corporation counsel will notify the person who filed the statement and afford the person thirty (30) days to provide the requested information.
- (c) The corporation counsel may forward a statement to the ethics commission with the recommendation that an audit be conducted to examine the information on the economic statement of interest.
- (d) The office of corporation counsel shall make statements from all ~~councilors and~~ officials available on its website.

~~Sec. 293-326. Councilors filing for 2009.~~

~~The deadline for filing of Economic Statements of Interests under this division by councilors, the clerk of the council and employees of the council is postponed until July 1, 2009, to allow time for the council ethics committee to adopt an alternative form under Sec. 293-323(a). If the alternative form is not adopted by such date, councilors shall file the form required by this division.~~

SECTION 5. [EFFECTIVE ON ADOPTION]